



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 53/PUU-XXI/2023**

Concerning

Term of Office and Periodization of Political Party Administrators

Petitioners	: Muhammad Helmi Fahrozi, et al.
Type of Case	: Judicial Review of Law Number 2 of 2011 concerning Amendment to Law Number 2 of 2008 concerning Political Parties (Law 2/2011) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	: Judicial Review of Article 2 paragraph (1b) of Law 2/2011 against Article 1 paragraph (3), Article 27 paragraph (1), Article 28D paragraph (1) and Article 28E paragraph (3) of the 1945 Constitution
Verdict	: To declare that the Petitioners' petition is inadmissible
Date of Decision	: Tuesday, 27 June 2023

Overview of Decision :

Whereas the Petitioners are Indonesian citizens who are 17 (seventeen) years old, thus in the future the Petitioners may join and become members of Political Parties. The Petitioners' capacities are reduced due to the absence of restrictions or prohibitions for any general chairpersons of political parties to continue serving as general chairpersons. The Petitioners shall also lose their rights to become party administrators because the general chairpersons would prioritize those closest to them to fill the administration structure so that they would form a dynasty in the administration of political parties.

Whereas in relation to the authority of the Court, because the Petitioners petition for a judicial review of the constitutionality of the norms of the law, *in casu* material review of the norms of Article 2 paragraph (1b) of Law 2/2011 against the 1945 Constitution, the Court has the authority to hear the *a quo* petition.

Whereas before the Court considers the legal standing of the Petitioners, the Court shall first consider the petition of the Petitioners.

Whereas regarding the petition of the Petitioners, the Court held a Preliminary Examination Session (I) on Tuesday, 30 May 2023 in the presence of Aldo Pratama Amry, the legal attorney of the Petitioners. During the session, in principle, the Panel of Judges provided advice to the Petitioners regarding the *a quo* petition and conveyed to the Petitioners regarding the deadline for submitting the revised petition, which would be on Monday, 12 June 2023 [*vide* Minutes of Case Session Number 53/PUU-XXI/2023, 30 May 2023]. However, until the specified deadline, the Petitioners has not submitted the revision of the *a quo* petition.

Whereas subsequently, the Court has scheduled the Preliminary Examination hearing (II) on Monday, 12 June 2023 to examine the revision of the petition and to confirm the evidence.

However, until the session was started and declared as open to the public, the Petitioners were not present. Simultaneously with the session agenda to revise the petition, via text messages (*WhatsApp*) to the Court Summoners, the legal attorney of the Petitioners conveyed that due to technical difficulties, namely several files from Papua has not arrived, the Petitioners could not attend the session and requested the Court to cancel the petition. Regarding these legal facts, in accordance with the procedural law, the *a quo* petition may be continued because the Court may use the initial petition [*vide* Article 46 paragraph (4) of Constitutional Court Regulation Number 2 of 2021 concerning Procedures in Judicial Review Cases]. However, since there was a request from the Petitioners to cancel the *a quo* petition, the Court considered that the Petitioners were not serious in submitting the *a quo* petition. Therefore, the petition of the Petitioners shall be declared as inadmissible.

Whereas because the Petitioners' petition is inadmissible, the Court does not further consider the legal standing of the Petitioners and the subject matter of the petition.

Subsequently, the Court passes down a decision in which the verdict states to declare that the petition of the Petitioners is inadmissible.